

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In re POLYURETHANE FOAM
ANTITRUST LITIGATION

)
) MDL Docket No. 2196
) Index No. 10-MD-2196 (JZ)
)

)
) This document relates to:
)

)
) DIRECT AND INDIRECT CLASS
) ACTIONS
)

STIPULATION AND ORDER

Direct Purchaser and Indirect Purchaser Class Plaintiffs and Crest Foam Industries, Inc., Inoac USA, Inc., Ohio Decorative Products, Inc., Inoac Corp., and Inoac International (“Stipulating Parties”), hereby stipulate pursuant to Fed. R. Civ. 41(a)(1)(A)(ii) to a dismissal of Stipulating Parties without prejudice.

Stipulating Parties in turn agree that corporate representatives will make themselves available for depositions of up to seven hours each collectively by undersigned plaintiffs without the necessity of third-party subpoenas, and as non-parties and subject to the Order Regarding Discovery Protocols (Doc. No. 241) except as provided herein. The parties disagree about whether such depositions must take place in the city of the deponent’s residence or place of employment (at the deponent’s choosing), or at another location. The Stipulating Parties, for the purposes of this Order, agree that such depositions shall take place at a location mutually agreed upon by the parties or ordered by the Court.

Should Plaintiffs find a basis for bringing one or more of such Stipulating Parties back into this litigation, Plaintiffs may move for leave of Court to do so, and Defendants and

Stipulating Parties will have an opportunity to respond. The Stipulating Parties also agree that should the Court order one or more of these Stipulating Parties back into the case, such party(ies) will waive formal service of any amended complaint(s), and service on its or their counsel will be effective.

The parties also agree that all applicable state and federal statutes of limitations for the filing of any claims, defenses, counterclaims, and/or third party claims concerning the matters alleged in the Direct Purchaser Plaintiffs and Indirect Purchaser Consolidated Amended Complaints (Doc. Nos. 46 and 52) shall be tolled until the date for adding new parties, as set forth in Paragraph 4 of the Joint Scheduling Order (Doc. No. 112), or any amended date for adding new parties.

The parties agree that by entering into this Stipulation or making corporate representatives available for deposition or participating in such depositions, the Plaintiffs and Stipulating Parties expressly preserve and do not waive, prejudice, release, or otherwise lose any available claims or defenses (including jurisdictional defenses) that may be available under the Federal Rules of Civil Procedure or any other rules, statutory or common law claim or defense. Neither the execution of this Stipulation nor anything contained herein is intended to be, nor shall be deemed to be, an admission of any liability or defense by anyone, or an admission of the existence of facts upon which liability or a defense could be based or contested.

STIPULATED BY:

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***Counsel for Defendant Ohio Decorative
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SO ORDERED:

s/ Jack Zouhary 9/28/11

Jack Zouhary
United States District Judge